

MICHAEL McNULTY.

JUNE 22, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JENKINS, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 4756.]

The Committee on the District of Columbia, to whom was referred the bill (S. 4756) for the relief of Michael McNulty, after careful consideration of the subject report the same back to the House with the recommendation that it do pass.

The object of the bill is to clear up the title to certain lands in the District of Columbia owned by Michael McNulty and transferred by him to Miss Anna B. Rowell. It appears from the affidavit given below that Michael McNulty came to this country with his father from Ireland when he was 5 years old; that he has lived continuously in the United States since 1846, and that, being uncertain as to whether his father ever took out naturalization papers, he himself became a naturalized citizen of the United States on November 4, 1892. The transfer of the land, however, was made on May 11, 1892. Miss Rowell, the present owner of the land, desired to sell it, and this fact developed the flaw in the title. The papers in the case are given below.

SUPREME COURT OF THE DISTRICT OF COLUMBIA:

Be it remembered that on this 4th day of November, 1892, Michael McNulty, a native of County Clare, Ireland, aged about 51 years, comes and prays to be admitted to become a citizen of the United States, and it thereupon appears to the satisfaction of the court that the said petitioner, having honorable discharge from the Army of the United States and has resided in the United States more than five years previous to his said application to become a citizen, behaving as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and the said petitioner here now declaring, upon his solemn oath, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to the United Kingdom of Great Britain and Ireland, of which country he has hitherto been a subject, it is thereupon considered that the said petitioner be, and hereby is, admitted to become a citizen of the United States.

In testimony that the foregoing is truly taken from the records of the proceedings of the said court I have hereunto subscribed my name and affixed the seal of the said court, at the city of Washington, D. C., the 9th day of June, 1898, and one hundred and twenty-second year of the Independence of the United States.

[SEAL.]

J. R. YOUNG, Clerk,
By L. P. WILLIAMS, Assistant Clerk.

DISTRICT OF COLUMBIA, ss:

On the 10th day of June, in the year of our Lord 1898, before me, the subscribed, a notary public in and for the District, personally appeared Michael McNulty, and making oath in due form of law, deposes and says that "I came to this country from County Clare, Ireland, with my father, about 1846, when I was about 5 years of age, and lived in Waterbury, Montpelier, Burlington, and other places in the State of Vermont, where my father worked on the railroads. About 1854 we moved to Rouses Point, and about 1856 to Plattsburg, N. Y. I was in Albany when the war of the rebellion broke out, and on May 7, 1861, I enlisted in the Thirty-fourth New York Volunteer Infantry, served for two years, and was promoted through the several grades to first sergeant of Company D on July 24, 1862, from which service I was discharged in June, 1863, on account of expiration of term of enlistment.

On November 30, 1863, I reenlisted as a veteran in Company L, Second New York Heavy Artillery, from Frankfort, Herkimer County, N. Y., was promoted through the different grades, and on March 23, 1865, I was commissioned second lieutenant. I was mustered out September 29, 1865, by reason of close of war.

I am now receiving a pension for a gunshot wound received at the battle of Five Forks.

When mustered out I came to Washington, D. C., and went to work in the General Land Office in June, 1866, as a laborer, and worked there continuously twenty-seven years, rising to a clerk of class 3, when I was removed in June, 1893.

I exercised the right of franchise in Frankfort, Herkimer County, N. Y., from about 1863 to about 1871, when I started to exercise the right of a citizen in the District of Columbia, continuing until the District was disfranchised.

Not having proof that my father was ever naturalized, I took out my naturalization papers on November 4, 1892, from the supreme court of the District of Columbia.

I have never visited any other country since I first landed in the United States, fifty-two years ago.

MICHAEL McNULTY.

Subscribed and sworn to before me this 10th day of June, 1898.

[SEAL.]

ROLAND C. BOOTH,
Notary Public, District of Columbia.

The following is a certified copy of the naturalization papers of Michael McNulty:

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[SEAL.]

J. R. YOUNG Clerk,
By L. P. WILLIAMS, Assistant Clerk.

Your committee rely somewhat upon the following statement of facts:

WASHINGTON, D. C., June 15, 1898.

MY DEAR SIR: In regard to the bill for relief of Michael McNulty (copy sent herewith), facts are disclosed in Mr. McNulty's written statement and affidavit (sent herewith), also a copy of records of the District supreme court, to show Mr. McNulty is now a naturalized citizen.

I desire to state further that Mr. McNulty sold a lot under deed dated May 11, 1892, to Miss Anna B. Rowell, who was about to convey to another party when the fact was disclosed that Mr. McNulty was not naturalized until November 4, 1892,

some time after he deeded lot to Miss Rowell, whereupon the Columbia Title Insurance Company, of Washington, D. C., refused to deliver or guarantee title, as Mr. McNulty had forfeited his title under the law of 1887 (restricting ownership of real estate to American citizens).

As Miss Rowell has secured a purchaser for cash and needs the purchase money, it will work great hardship upon her, an innocent purchaser, if this bill does not pass at once.

I sincerely trust that you will lend us your efforts to get it through.

I have the honor to remain, very respectfully, yours,

ROLAND C. BOOTH, *Agent for Parties.*

HON. JOHN J. JENKINS,

*Chairman of Subcommittee on the District of Columbia,
House of Representatives.*

Under the law in force in the District of Columbia this property became forfeited to the United States, the law providing that it should be unlawful for any person not a citizen of the United States, or who has not lawfully declared his intention to become a citizen, to acquire, hold, or own real estate, or any interest therein, in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created.

Under the circumstances, it would be harsh for the United States to insist upon a forfeiture, and your committee, following a great number of precedents, recommend that the bill do pass. No case has come to the knowledge of your committee where the United States have insisted upon their rights under the law, and it simply means embarrassment for the party situated as the beneficiary in this case is.

